



University of Hawaii at Manoa

Environmental Center
Crawford 317 • 2550 Campus Road
Honolulu, Hawaii 96822
Telephone (808) 948-7361

Office of the Director

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HB 1290 RELATING TO THE ENVIRONMENT

Statement for
House Committee on
Energy, Ecology & Environmental Protection
Public Hearing - 26 February 1981

By
Jacquelin N. Miller, Environmental Center
Diane Drigot, Environmental Center

HB 1290 would revise HRS Chapter 341 and place the Office of Environmental Quality Control (OEQC) under the authority of the director of health; the Environmental Council within the Department of Health and under OEQC; and the duties and powers of the director (of OEQC) would be assigned by the director of health rather than the Governor. This statement on HB 1290 does not represent an institutional position of the University of Hawaii.

The result of this bill would be to further remove the Office of Environmental Quality Control from the direction or guidance of the Governor and place it under the total direction of the Department of Health.

As Doak C. Cox, Director of the Environmental Center (who is currently on sabbatical leave and out of State), testified last year on HB 1758, SD 1, we considered the transfer of OEQC to the Department of Health unwise. The further removal of OEQC from the Governors direction will make the interagency environmental coordination responsibility of OEQC more difficult to accomplish.

The intent of the Legislature, at the time of the passage of Act 132 (1970) which created the Office of Environmental Quality Control, our Environmental Center, and the Environmental Council, was to provide maximum input and coordination of environmental matters to those decision makers directing the future of our State. The guiding purpose was to maintain the optimum environmental quality of the State.

The nature of environmental management options to be considered in development or resource planning preclude any single agency possessing the needed broad environmental expertise. The OEQC was established to serve as an impartial overall coordinator to state agencies so as to facilitate the exchange of environmental information and expertise among separate agencies.

The amendment to HRS 341-4(a) would in fact give the director of OEQC, at the direction of the Director of Health and with the approval of the Governor, statutory authority to direct other state agencies in matters concerning environmental quality. While it is conceivable that OEQC could be required by the director of health to direct other agencies in matters concerning environmental quality it is unlikely that such delegation of authority would apply to the direction of environmental matters within the DOH.

The placement of OEQC in the Office of the Governor provided the most effective base from which the general agency wide coordination role could be implemented. We would anticipate that the further removal of OEQC from the direction of the Governor as is proposed by HB 1290 will significantly reduce the effectiveness of this coordinating function.